

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 552

Case No. 87-21

(Map Amendment - Brookland)

September 21, 1987

The application in Z.C. Case No. 87-21 was filed on April 24, 1987, and is a request from James Kenneth Price to amend the Zoning Map of the District of Columbia from R-1-B to C-2-A for lot 15 in Square 3928.

The site is located at 1215 Newton Street, N.E., and comprises 7500 square feet of land area. Lot 15 is zoned R-1-B, measures 50x150 feet, and is improved with a vacant detached structure which was totally damaged by fire in 1986.

The structure on the site was constructed circa 1905 and used as a single-family dwelling until 1979, at which time it became used as a shelter for battered women. In 1984, the structure reverted to its original use until the fire.

The applicant requested the change of zoning to allow for the property to be redeveloped with a multi-family residential structure (apartment building). By letter dated July 6, 1987, from his architect, the applicant proposed that the apartment building include approximately eight (8) dwelling units.

The applicant indicated that the project would be marketed for ownership under a condominium regime. He also proffered to execute a covenant that would restrict the development of the property to multi-family residential use.

The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of fifty (50) feet, a maximum lot occupancy of forty (40) percent, and a maximum height of three stories/forty feet.

The C-2-A District permits matter-of-right low density development, including office, retail and all kinds of residential uses, with maximum floor area ratios (FAR) of 2.5 for residential uses and 1.5 for non-residential uses, a maximum height of fifty (50) feet, and a maximum lot occupancy of sixty (60) percent for residential uses.

To the immediate north, northeast, east, southeast, and south of the site is R-1-B zoning. This is the overwhelmingly predominant category on the Newton Street frontage. To the immediate southwest, west, and northwest of the site, along 12th Street, is C-2-A strip zoning.

Uses in the immediate area of the site include many detached single-family residential structures to the north, northeast, east, southeast and south. To the southwest, west, and northwest area are many small neighborhood-type businesses, including office, retail and service commercial uses along the 12th Street commercial corridor.

On September 21, 1987, at its regular monthly meeting, the Zoning Commission for the District of Columbia considered the application to determine whether to authorize the scheduling of a public hearing for the application.

The District of Columbia Office of Planning (OP), by preliminary report dated August 3, 1987, recommended that the Zoning Commission deny the application without a public hearing. OP concluded that the application did not have sufficient merit to be set down for hearing. OP stated, in part, the following:

It should be pointed out that this is not an application for a Planned Unit Development and in so far as the proposed covenant is not on file, it would be premature in our opinion to consider it. If there is no covenant, the case would have to be evaluated as a pure map change from R-1-B to C-2-A. In the past, the Zoning Commission has considered covenants between the property owners and the community organizations in some map change cases. Significantly, these covenants were not executed between the property owners and the District of Columbia only, but involved other parties.

As noted, the site is located in an area designated by the Land Use Map of the Comprehensive Plan for low density detached and semi-detached single-family residential development. The site is not unusual in its size or shape from other properties in the area. Access to the lot for commercial or multi-family housing use is difficult. In our opinion, a map change for the subject site would tend to set a precedent for other similarly located properties in the area contrary to the provisions of the Comprehensive Plan.

Advisory Neighborhood Commission - 5A did not file a statement whether it supported or opposed the scheduling of a public hearing.

No letters were received in support of or opposition to the application.

The Zoning Commission concurs with the recommendation of the Office of Planning, and concludes that there is insufficient merit to warrant a public hearing on the application.

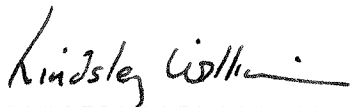
The Zoning Commission believes that the application is not in the best interest of the District of Columbia, is inconsistent with the intent and purpose of the Zoning Map and Zoning Act, and is inconsistent with the Comprehensive Plan for the National Capital.

Upon consideration of the reasons set forth herein, the Zoning Commission DENIES Case No. 87-21, without a public hearing.

The applicant, by letter dated December 1, 1987, requested the Zoning Commission to amend its September 21, 1987 denial without a public hearing to a "denial without a public hearing without prejudice", pursuant to 11 DCMR 3029.2.

On December 14, 1987, at its regular monthly meeting and subsequent to the Zoning Commission's consideration of the applicant's letter, the Chairman denied the request.

Vote of the Zoning Commission taken at its regular public meeting on September 21, 1987: 5-0 (Patricia N. Mathews, John G. Parsons, George M. White, Lindsley Williams and Maybelle T. Bennett, to deny without hearing).



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat